

## APPENDIX B

### Historic Sites, Buildings and Antiquities Act

16 U.S.C. 461 et seq. (1988), Aug. 21, 1935, ch. 593, 49 Stat. 666

The Historic Sites Act declared "a national policy to preserve for public use historic sites, buildings and objects of national significance...." To carry out this policy, the act assigned broad powers and duties to the Secretary of the Interior acting through the National Park Service. The Secretary was directed to "secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeological sites, buildings, and objects." The Secretary was to survey historic properties "for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States." The Secretary was authorized to conduct historical and archeological research; to "restore, reconstruct, rehabilitate, preserve, and maintain" historic properties directly or through cooperative agreements with other parties; to mark historic properties with tablets; to establish and maintain museums in connection with historic properties and develop an educational program to inform the public about them; and to acquire historic properties provided that no federal funds were obligated ahead of congressional appropriations.

The act also established an Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. It was to consist of up to 11 persons appointed by the Secretary and include people with expertise in history, archeology, architecture, and "human geography" {later amended to replace "human geography" with "anthropology, biology, geology, and related disciplines"}. It was to advise the Secretary on matters relating to the parks and the treatment and general administration of historic properties.

The Historic Sites Act was as much a legal ratification of existing activities as a prescription for new ones. In the early 1930s the Park Service had moved dramatically into the historic sites field, especially with its acquisition of the War Department's historic battlefields and forts and the national capital parks in a 1933 government reorganization. That same year the Service obtained Depression relief funds to hire unemployed architects and launch the Historic American Buildings Survey (HABS). Several of the authorities in the act sanctioned what the Service was already doing at its new historic properties and in the HABS program, lending congressional support to the perpetuation of this work. The language underpinning HABS was used in 1969 to justify a companion program, the Historic American Engineering Record.

New activity also resulted from the act. In 1936 the National Park Service inaugurated the National Survey of Historic Sites and Buildings, which examined properties representing various themes of American history and prehistory to identify those possessing national significance. Initially it was expected that most places so identified would be brought into the National Park System. Some of these had cooperative agreements negotiated with their owners, were designated "national historic sites" by the Secretary, and ultimately came under National Park Service administration; a few remained national historic sites outside the National Park System. By far the most remained unaffiliated with the Park Service, however, and a new designation-national historic landmark-was adopted in 1960 to recognize these sites. As of 1992, secretaries of the Interior had designated more than 2,000 national historic landmarks. The National Historic Landmarks Survey, as the program is now called, continues to identify nationally significant historic properties in all forms of ownership (including properties of discrete historical identity within parks) and to identify and review the national significance of candidates for the National Park System.

In 1962 the Park Service used the act's authority to launch a comparable survey for natural areas. This has resulted in secretarial designation of almost 600 properties as national natural landmarks.

The advisory board appointed under the act played an important role in formulating the Park Service's historic preservation policies, evaluating properties for historic landmark designation, and considering proposed parks. Public Law 94-458 of October 7, 1976, changed the board's name to National

Park System Advisory Board, set four-year terms for its members, and provided for its termination in 1990. Public Law 101-628 of November 28, 1990, extended the board until 1995, expanded its membership to 16, and charged it with recommending natural as well as historic landmark designations to the Secretary.

Among the more consequential provisions of the Historic Sites Act has been Section 2(e), which authorizes the Secretary to contract and make cooperative agreements with public and private bodies and persons to "protect, preserve, maintain, or operate" historic properties in public or private ownership. This general authority has served valuable preservation purposes. When Bess Truman died in 1982, for example, it allowed Secretary Watt to enter into a cooperative agreement with her estate to protect the Truman house until it could be brought into the National Park System by a specific act of Congress the following year.

*Historic Sites, Buildings and Antiquities Act of 1935.* 1980. Department of the Interior Law Library, Washington, D.C. (A legislative history compilation.) -

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